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Testimony

Before the Committee on the Judiciary  
United States House of Representatives

Hearing on

H.R. 2176, To provide for and approve the settlement  
of certain land claims of the Bay Mills Indian Community, and  
H.R. 4115, To provide for and approve the settlement  
of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians."

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify today on behalf of the Sault Ste. Marie Tribe of Chippewa Indians. My name is Alice E. Walker. I am a partner and shareholder in the law firm of Greene, Meyer & McElroy, P.C., located in Boulder, Colorado. Our firm has represented the Sault Tribe for more than twenty years on a variety of issues, and I am here today representing the Sault Tribe regarding the settlement of the Charlotte Beach land claims.

It is my pleasure to appear before the Committee today to urge its support for H.R. 2176 and H.R. 4115, both of which would settle the long-standing land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe with respect to lands in Charlotte Beach, Michigan.

The bills arise from two Settlement Agreements, entered into in December of 2002, one between the Sault Ste. Marie Tribe and the State of Michigan, and the other between the Bay Mills Indian Community and the State of Michigan. Both of the 2002 Settlement Agreements contain identical language, except for the identification of alternative lands. The record before the Committee on Natural Resources describes in detail the nature of those settlement agreements and the propriety of congressional approval of those settlement agreements so that final resolution of the Charlotte Beach land claims may finally come to fruition.

The issue before the Committee today relates to the need for the judicial review provision in each of the bills, which states as follows: "(c) Enforcement- The Settlement of Land Claim shall be enforceable by either the tribe or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan." That provision is Section 1(e)(3) of H.R. 4115, and Section 3(c) of H.R. 2176. That provision mirrors section 14 of the 2002 Settlement Agreements, which provide that "[t]o the extent there is a dispute or controversy involving the terms of this Settlement, the parties agree that all actions or proceedings will be tried and litigated only in the Federal District Court for the Western District of Michigan.

The H.R. 4115 and H.R. 2176 judicial review provisions are consistent with the 2002 Settlement Agreement, and indeed, may be viewed as a belt-and-suspenders approach to ensuring that no court other than the United States District Court for the Western District of Michigan will have jurisdiction over disputes arising under the 2002 Settlement Agreements. While the judicial review provisions of the bills are consistent with the underlying 2002 Settlement Agreements, they are not necessary in order to accomplish the substantive purposes of the bills, which is to finally resolve the long-standing Charlotte Beach land claims to the

satisfaction of both Tribes as well as the Charlotte Beach landowners. Accordingly, the Sault Tribe does not object to either retaining the judicial review provisions, since they are consistent with the 2002 Settlement Agreements, or eliminating those provisions, since they are arguably duplicative of the underlying agreements. On behalf of the Sault Tribe, I look forward to the Committee's consideration of this issue and its referral of H.R. 2176 and H.R. 4115 back to the House floor.

Thank you for the opportunity to testify today.